

REMARKS

Claim 18 was amended by incorporating the subject-matter of claim 20.

Claim 32 was also amended by incorporating the subject-matter of claim 20.

Claim 20 is cancelled.

Thus, amended claim 18 now recites

“A method for transmitting a useful data object from a switching component to a mobile station, comprising:

the mobile station selecting, with the aid of a selection device, the selection device being assigned to the mobile station, and storing in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted; and

transmitting the useful data object from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object.”

Amended claim 32 now recites

“A device for transmitting a useful data object from a switching component to a mobile station, comprising:

means for selecting, with the aid of a selection device, the selection device being assigned to the mobile station, and storing in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted; and

means for transmitting the useful data object from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected communication network, and it is determined that the switching component has a delivery request for the useful data object.”

Novelty: In response to item 3 of the Office Action (Claim 18)

The rejections and the Examiner’s comments have been considered. For the reasons given below, it is believed that the presently pending claim is novel over the cited prior art.

Aho (US 2001/0005675, henceforth Aho) describes a method for identifying a wireless terminal by inquiring about information relating to the terminal of a cellular network from the cellular network, from a messaging server external to the cellular network. Therein, a message transmission between a wireless terminal MS and a messaging server MMSC that is located outside the cellular network of the wireless terminal MS is implemented. The method disclosed comprises determining the readiness of the wireless terminal MS to receive data, transferring information about this to the messaging server MMSC and, in case where the wireless terminal MS is ready to receive data, transferring a multimedia message from the messaging server MMSC through the network to the wireless terminal MS. (cf. Aho, paragraphs 8, 47, 51, and 52)

In detail, the method comprises the steps of receiving and storing a multimedia message in the messaging server MMSC, requesting information on whether the wireless terminal MS is ready to receive data from the network’s support node GGSN by the messaging server MMSC (external to the network), the support node GGSN determining whether the wireless terminal MS is ready to receive data, and, in case of a positive response sent to the messaging server MMSC from support node GGSN, sending the multimedia message to the wireless terminal MS, or, in case of negative response sent to messaging server MMSC

from support node GGSN, not sending the multimedia message to the wireless terminal MS. (cf. Aho, paragraph 52, Fig. 3)

In even more detail, the step of the support node GGSN determining whether the wireless terminal MS is ready to receive data includes that a default-support node examines whether the wireless terminal MS has an active PDP-context with the default-support node in question, or with some other support node. If the wireless terminal actually has an active context, the default-support node knows that the wireless terminal MS is ready to receive data. As a response to this inquiry, the default-support node sends a positive response message to the external messaging server MMSC and the messaging server MMSC sends the multimedia message to the support node GGSN with which the wireless terminal MS has an active PDP-context. Said support node GGSN forwards the multimedia message to the wireless terminal MS. (cf. Aho, paragraphs 55, 63, 65, 69, and 74)

Aho does not disclose, though, that the mobile station (wireless terminal MS) selects and stores in a storage unit assigned to the mobile station at least one communication network in which the data object (multimedia message) is to be transmitted. According to presently pending claim 18 of the invention, the mobile station as terminal device itself thus holds the information, whether a data object is to be transmitted in an active PDP-context of a network or not. This means that for transmitting the data object according to claim 18 of the invention, it is not sufficient for the mobile station to have any active context with any network's support node, as is disclosed in Aho, but it is required that the mobile station has an active context with the at least one selected communication network.

Accordingly, presently pending claim 32 discloses a device for transmitting a useful data object from a switching component to a mobile station MS. The same argumentation as stated for presently pending claim 18 in respect to Aho holds for the subject-matter of presently pending claim 32.

For the reasons given above, the subject-matter of presently pending claim 18 and the subject-matter of presently pending claim 32 are novel over Aho.

Non-Obviousness:

The subject-matter of the independent claims is non-obvious over Aho, even in view of the additional references Trossen et al. (US 2001/0111476, henceforth Trossen) and Dorenbosch et al. (US 2003/0217174, henceforth Dorenbosch), cited by the Examiner.

According to the subject-matter of the amended independent claim 18, the method for transmitting a useful data object from a switching component to a mobile station is disclosed, wherein the rules for managing this transmission, i.e. selecting a communication network in which the data object is to be transmitted and storing this selection, are defined by the user using the mobile station and implemented in the mobile station itself. The main difference between this method of the present application on one hand and Aho on the other hand is, that according to Aho, entities of the communication network decide on whether a multimedia message is to be transmitted to the mobile station on the basis of these network entities determining whether the mobile station has an active PDP-context with some communication network, wherein this decision does not depend on rules defined by the user that are stored in the mobile station.

This means, that according to Aho, the user has not the possibility to define neither rules for the transmission of a multimedia message nor rules for managing the transmission of a multimedia message by himself.

In contrast thereto, in accordance with the subject-matter of the amended independent claim 18, the defining and storing of the rules for the transmission of a multimedia message and rules for managing the transmission of a multimedia message is provided user-individually by providing a new system architecture in that the "the mobile station selects, with the aid of a selection device, the selection device being assigned to the mobile station, and stores in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted". This allows the user to flexibly and individually for each user (and thus individually for each mobile

terminal) define and implement the above mentioned rules which allows the easy and flexible selection of an optimal communication network depending on the respective situation of the user.

Aho does not give any hint to a skilled person to select a communication network in which the multimedia message is to be transmitted or to store this information in the mobile station and does not achieve the above described effects.

Thus, the subject-matter of claim 18 as currently amended is non-obvious over Aho.

Furthermore, Trossen also fails to cure the deficiencies of Aho. In particular, Trossen discloses *inter alia* a method for transmitting a multimedia message from a sending entity to a recipient that allows senders and recipients control over the delivery of the multimedia message by defining rules to which delivery of the multimedia message is subject, which means that the transmitting network entity can deliver the media content of the multimedia message to the recipients based upon the preferences of the respective recipients, e.g. delivery of multimedia messages when the respective recipient is connected to one of a limited number of networks. These recipient rules according to Trossen are transmitted to and stored in the rule processor or some other network entity associated with the messaging server MMSC. (cf. Trossen, paragraphs 7, 9, 32, 35 and 36). Thus, according to Trossen, the delivery of media content is managed with rules specified by the recipient with the help of the messaging server MMSC (and/or an associated rule processor) that both are network entities. Also Trossen fails to disclose that the "the mobile station selects, with the aid of a selection device, the selection device being assigned to the mobile station, and stores in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted".

Moreover, Dorenbosch also fails to cure the deficiencies of Aho. In particular, Dorenbosch discloses a method and apparatus for establishing an internet protocol (IP) session between a host using SIP (session initiation protocol) and a device without an IP address. According to this method, the mobile station is induced to setting up a PDP (packet data

protocol)-context that includes obtaining an IP address in a fashion that is transparent to the host and most of the communication system. Therein, a registrar, which is a communication network entity, notifies the mobile station MS that the mobile station has registered in one of the selected communication networks, when it is determined either by the switching device component or by the assigned communication device that the mobile station MS has registered in one of the selected communication networks. (cf. Dorenbosch, abstract and paragraphs 12, 15, and 26).

In Dorenbosch, the registrar, working as determination device, is part of the communication network that forms the active context of the mobile station MS.

However, Dorenbosch fails to disclose that the "the mobile station selects, with the aid of a selection device, the selection device being assigned to the mobile station, and stores in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted".

Thus, neither Trossen nor Dorenbosch neither disclose nor suggest to implement the mobile station selecting, with the aid of a selection device, the selection device being assigned to the mobile station, and storing in a storage unit assigned to the mobile station at least one communication network in which the useful data object is to be transmitted, as is claimed in presently pending claim 18.

In other words, even if a skilled person combined the references, he would not receive any motivation from Aho, even in the view of Trossen and Dorenbosch, to implement selecting and storing of a selected communication network in the mobile station MS itself outside the communication network.

For the reasons given above, the subject-matter of presently pending claim 18 is non-obvious over Aho in view of Trossen and Dorenbosch.

The analogue argumentation holds for the subject-matter of presently pending claim 32.

In view of the foregoing, reconsideration and allowance of presently pending claims 18-32 are solicited.

All other claims depend from either claim 18 or 32, and are therefore patentable for at least the same reasons.

Dated: April 1, 2009

Respectfully Submitted,

By: /Christopher Frerking/
Christopher Frerking
Reg. No: 42,557

Viering, Jentschura & Partner
3770 Highland Ave.
Suite 203
Manhattan Beach, CA 90266
Phone: (415) 670-9081
Fax: (617) 849-5451
vjp-us@vjp.de

Attorney for Applicant